THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.28119 of 2005

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Dated:05.01.2006

Between:

Ch.Venkateswarlu, s/o Kondaiah,
r/o of Macharla Village, Gudluru Mandal, Prakasam District, and another.

..... PETITIONERS

AND

The District Collector, Prakasam District, Ongole, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.28119 of 2005

ORDER:

The first petitioner is the owner of land admeasuring Ac.0.70 cents in R.S.No.159/1B and the second petitioner is the owner of land admeasuring Ac.0.73 cents in R.S.No.159/1A situated at Mocharla Village, Gudluru Mandal, Prakasam District. The first respondent issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), on 23.03.2003, proposing to acquire the petitioners' lands for provision of house sites to weaker sections. The said notification is assailed in the writ petition, *inter alia,* on the ground that even after a lapse of two years, the respondents did not pass an award, and therefore, the entire proceedings under the Act have lapsed.

The matter was initially heard on 02.01.2006 and at the request of the learned Assistant Government Pleader for Revenue (Land Acquisition), the matter was adjourned to enable him to get instructions. Today after getting instructions from his clients, the learned Assistant Government Pleader submits that pursuant to the notification, though the enquiry under Section 5A of the Act was dispensed with, possession was not taken and so far no award is passed. Therefore, he fairly submits that the notification under Section 4(1) of the Act is lapsed.

In view of the above background of the case, the Writ Petition is allowed declaring that the respondents cannot pass any award pursuant to the notification impugned in the writ petition. No costs.

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(V.V.S.RAO, J)

05.01.2006

vs